IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE D.S.R.VARMA
WRIT PETITION NO : 11830 of 1994

Between:
Sri Swagath Restaurant, Main Road, Visakhapatnam,
rep., by its Managing Partner Ch.Narsimha Rao.

..... PETITIONER

AND

1.The Authority under Minimum Wages Act-cum-the
Assistant Commissioner of Labour, Circle-I, Visakhapatnam.
2.The Assistant Labour Officer, II Circle, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari or any other appropriate writ, order, orders or direction and to quash the order of the 1st Respondent in M.W.No.46/93, dated 16-04-1994.

For the Petitioner: MR.V.SRINIVAS, ADVOCATE.

For the Respondents: GP FOR LABOUR AND SOCIAL WELFARE

The Court Made the Following:

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ORAL ORDER:

Heard both sides.

2. The controversy in this writ petition is – whether the workmen are entitled to minimum wages as ordered by the authority under Minimum Wages Act, 1948 (for short "the Act").

3. The learned counsel for the petitioner submits that the authority under the Act did not refer to the registers of the canteen, nor examined the workmen, nor there was any dispute with regard to the payment of wages to the workmen. Therefore, according to the learned counsel for the petitioner, the impugned order passed by the first respondent-authority under the Act directing the petitioner to pay minimum wages to the workmen is totally illegal and perverse.

4. But, the said impugned order was not stayed by this Court at the time of admission of this writ petition. The resultant position is that the workmen in all probability may have been paid the minimum wages as directed by the first respondent-authority. Further more, there is no grievance by the workmen that the impugned order passed by the first respondent-authority has not been complied with. Further more, at this relevant point of time i.e., after a lapse of a decade, I do not feel that it is proper to interfere with the impugned

order passed by the first respondent-authority. Hence, no further orders need be passed in this writ petition.

5. Accordingly, the writ petition is disposed of. However, there shall be no order as to costs.

25TH JUNE 2004 D.S.R.VARMA, J
KRK

To:
1.The Authority under Minimum Wages Act-cum-the
Assistant Commissioner of Labour, Circle-I, Visakhapatnam.
2.The Assistant Labour Officer, II Circle, Visakhapatnam.
3.Two CCs to Government Pleader for Labour and Social Welfare, High Court Buildings, Hyderabad (OUT).
4.Two CD copies.
5.One spare.